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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,340	09/24/2001	Mark A. Conkling	5051.338CT	1188

20792 7590 01/24/2005

MYERS BIGEL SIBLEY & SAJOVEC
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RALEIGH, NC 27627

EXAMINER

KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
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1638

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/963,340

EXAMINER

R. Kallis

ART UNIT

PAPER

20050114

DATE MAILED:

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Commissioner for Patents

The reply filed on 21 October 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendments to the claims do not follow the Revised Amendment Practice of 37 CFR 1.121.

In Claim 12, line 2, "2, 3, 4 or 5" has been changed to 2 or 3, but nothing has been struck through.

In Claim 16 lines 1 and 12, "with" has replaced "having", but "with" is not underlined and "having" is not struck through; and in line 4, "," is newly added, but is not underlined.

In Claim 16, line 13, "tobacco plant" is newly added, but is not underlined.

In Claim 31, lines 7 and 8, "nucleic acid" is both underlined and struck through.

In Claim 45, line 2, following "43" a blank space is added but has not been underlined.

In Claim 62, line 3, "nucleic acid" is both underlined and struck through; and in line 4, "sense" is newly added but has not been underlined and "antisense" has been deleted is not struck through.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kallis whose telephone number is (571) 272-0798. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (571) 272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Russell Kallis Ph.D.
January 14, 2005

AMY J. NELSON, PH.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600